IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.3822 OF 2004
IN
CRIMINAL APPEAL NO.1065 OF 2004

Sambhaji Bhau Desai ...Applicant

vs.

The State of Maharashtra and another ...Respondents

Mr.S.A.Ingawale for the Applicant
Mr.Rajesh More,A.P.P. for State

CORAM: A.S.OKA,J.
DATE : OCTOBER 13,2006.

P.C.:

1. Heard Advocate appearing for the Applicant and the learned A.P.P. for State. The conviction of the Applicant is for offences punishable under sections 307, 326 and 324 of the Indian Penal Code. The substantive sentences are ordered to run concurrently. The maximum substantive sentence is of seven years. It is not in dispute that the Applicant was enlarged on bail during the pendency of the trial. From 2nd July 2004 he is in custody. Thus, the Applicant is in custody for last more than two years and three months. There is no allegation of misuse of liberty granted to the Applicant during the pendency of trial. One of the findings recorded by the learned Trial Judge is that the assault by the Applicant was out of provocation as drainage line was blocked. In view of the decision of the Apex Court in case of Bhagwan Shinde Vs. State [(1994) 4 S.C.C. page 657) a case is made out for

enlarging the Applicant on bail. In all probability the Appeal may not be heard before the remaining sentence is over.

2. Hence, I pass the following order :

i) The Applicant shall be enlarged on bail in the sum of Rs.5,000/- with one or two sureties in the like amount.

ii) Bail is granted subject to condition that the Applicant will report to Ajara Police Station, District Kolhapur on every first Saturday of every calendar month till the final disposal of the Appeal.

JUDGE